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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/719,825

06/25/2001

Bernard Drevillon

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466

7590

06/02/2004

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EXAMINER

DAVIS, WILLIE L

ART UNIT

PAPER NUMBER

2877

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/719,825

Applicant(s)

DREVILLON, BERNARD

Examiner

Willie Davis

Art Unit

2877

Am

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-18 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 2-18 and 21-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claims 2-14,16-18 and new claims 21-24 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention..

The specification and claims 2-14 do not clearly define (1)"certain parameters of the Mueller matrix are determined beforehand, parameters suited to the characterization of the manufacture and only these parameters are extracted from ellipsometric measurement during manufacture" and (2)"said parameters are at least two different in number from the ellipsometric angles psi and delta and from the trigonometric functions of the said angles" in such a manner that one skilled in the art could make and use the device. Claims 2-14 are extremely vague.

The specification and claim 21 do not describe (1)"controlling the manufacture of the object in relation to the extracted components of the Mueller matrix" and (2)"determining at least two selected components of the Mueller matrix that represents the object and that characterizes the manufacture of the object, the selected components being other than ellipsometric angles and trigonometric functions of the ellipometric angles" in a way that would enable one of ordinary skill in the art to make or use the invention.

Art Unit: 2877

The specification and claims 22,23,16,17 and 18 do not describe (1)"the determined selected components are at least two selected components of the Mueller matrix that characterized the manufacture of the object" and (2)"the determined selected components are other than ellipsometric angles ψ and δ and trigonometric functions of the ellipsometric angles ψ and δ " in a way that would enable one skilled in the art to make or use the invention.

The specification and claim 24 do not describe (1)"the first processing unit configured to extract, from the ellipsometric measurement, only determined selected components of the Mueller matrix describing the substrate and to control the manufacture of the substrate in relation to the extracted components of the Mueller matrix and (2)"the determined selected components are at least two selected components of the Mueller matrix that characterize the manufacture of the object, the selected components being other than ellipsometric angles ψ and δ and trigonometric functions of the ellipsometric angles ψ and δ " in a way that would enable one skilled in the art to make or use the invention.

The specification or claims (1)do not specify how to use or made the optical device and(2) do not indicate which parameters in the Mueller matrix are used to make or use the optical device.

Applicant provided no remarks or arguments.

Art Unit: 2877

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willie Davis whose telephone number is 571-272-2413. The examiner can normally be reached on 9:30am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on 571-272-2413. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-2413 for regular communications and 571-273-2413 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2450.



May 17, 2004



Frank G. Font
Supervisory Patent Examiner
Technology Center 2800
